

Message Text

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ORIGIN EB-07

INFO OCT-01 AF-08 ARA-10 EA-09 EUR-12 NEA-10 IO-13 FEA-01

AGR-10 CEA-01 CIAE-00 COME-00 DODE-00 FRB-01 H-02

INR-07 INT-05 L-03 LAB-04 NSAE-00 NSC-05 PA-02 AID-05

CIEP-02 SS-15 STR-04 ITC-01 TRSE-00 USIA-15 PRS-01

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TO AMEMBASSY TOKYO

INFO USMISSION GENEVA

USDEL MTN GENEVA

USMISSION EC BRUSSELS

AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY ROME

AMEMBASSY PARIS

AMEMBASSY THE HAGUE

AMEMBASSY BERN

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E.O. 11652: N/A

TAGS: ETRD

SUBJECT: SECTION 337 INVESTIGATION OF COLOR TELEVISION SETS
FROM JAPAN -- REVIEW OF RULING DENYING MOTIONS TO TERMINATE
THE PROCEEDING

REF: STATE 85208 (NOTAL)

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1. FOLLOWING IS TEXT OF PUBLIC NOTICE ISSUED SEPTEMBER 15 ANNOUNCING THAT THE UNITED STATES INTERNATIONAL TRADE COMMISSION (USITC) HAS DECIDED TO REVIEW A RULING MADE BY THE PRESIDING OFFICER DENYING MOTIONS TO TERMINATE THE INVESTIGATION AND DISMISS THE COMPLAINT IN THE SECTION 337 INVESTIGATION OF COLOR TVS FROM JAPAN.

BEGIN TEXT: NOTICE IS HEREBY GIVEN THAT--

(1) ON AUGUST 6, 1976, THE PRESIDING OFFICER IN THIS INVESTIGATION ISSUED HIS QUOTE DETERMINATION UNDER RULE 210.60(B) ALLOWING APPLICATION FOR REVIEW END QUOTE WITH RESPECT TO HIS QUOTE RULING DENYING AMENDED MOTIONS TO TERMINATE AND DISMISS END QUOTE OF JULY 12, 1976. ON AUGUST 16, 1976, THE RESPONDENTS IN THIS INVESTIGATION FILED WITH THE COMMISSION AN QUOTE APPLICATION FOR REVIEW OF DENIAL OF RESPONDENTS' MOTIONS TO TERMINATE THE

THE PROCEEDINGS AND DISMISS THE COMPLAINT, END QUOTE WHICH WAS DOCKETED BY THE OFFICE OF THE SECRETARY AS MOTION NO. 23-20. THE COMPLAINANTS IN THIS INVESTIGATION AND THE COMMISSION INVESTIGATIVE STAFF FILED ANSWERS TO THE RESPONDENTS' APPLICATION FOR REVIEW ON AUGUST 23, 1976, AND AUGUST 24, 1976, RESPECTIVELY.

(2) PURSUANT TO SECTION 210.60(B) OF THE COMMISSION'S RULES OF PRACTICE AND PROCEDURE, AS AMENDED (41 F.R. 17710, APR. 27, 1976), AND THE DISCRETION VESTED IN IT PURSUANT TO THAT SECTION, THE COMMISSION WILL REVIEW THE PRESIDING OFFICER'S QUOTE RULING DENYING AMENDED MOTIONS TO TERMINATE AND DISMISS END QUOTE OF JULY 12, 1976. THE COMMISSION REVIEW WILL NOT BE LIMITED TO THE RESPONDENTS' APPLICATION FOR REVIEW (M.23-20) AND ANSWERS THERETO. THE COMMISSION WILL CONSIDER TWO ISSUES PURSUANT TO THE INSTANT REVIEW, AS FOLLOWS:

(A) AS A MATTER OF LAW, DOES THE COMMISSION HAVE SUBJECT-MATTER JURISDICTION OVER THE ALLEGATIONS IN THE CONSOLIDATE AMENDED COMPLAINT, FILED WITH THE COMMISSION ON MAY 25, 1976?

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(B) ASSUMING SUCH JURISDICTION, AS A MATTER OF POLICY, SHOULD THE COMMISSION CONTINUE TO EXERCISE ITS JURISDICTION IN THIS CASE, CONSIDERING PAST PRACTICE OF THE COMMISSION UNDER SECTION 337 OF THE TARIFF ACT OF 1930, AS AMENDED?

(3) ANY GOVERNMENT AGENCY OR DEPARTMENT OR ANY PERSON INTERESTED IN THE OUTCOME OF THIS INVESTIGATION MAY SUBMIT

ADVICE TO THE COMMISSION IN THE FORM OF CONCISE WRITTEN STATEMENTS, WHICH WILL BE AVAILABLE FOR INSPECTION BY THE PUBLIC. SUCH STATEMENTS WILL BE CONSIDERED IF RECEIVED BY THE COMMISSION NO LATER THAN SEPTEMBER 24, 1976.

(4) EACH OF THE PARTIES TO THE REVIEW MAY FILE BRIEFS IN FORM AND NUMBER AS SET FORTH IN SECTION 201.8 OF THE COMMISSION'S RULES OF PRACTICE AND PROCEDURE, AS AMENDED, AND OF NO MORE THAN 25 PAGES. SUCH BRIEFS SHALL BE FILED NO LATER THAN SEPTEMBER 30, 1976.

(5) THE COMMISSION WILL HEAR ORAL ARGUMENT CONCERNING THIS REVIEW. THE ORAL ARGUMENT WILL BE HELD IN THE COMMISSION'S HEARING ROOM, U.S. INTERNATIONAL TRADE COMMISSION BUILDING, 701 E STREET, N.W., WASHINGTON, D.C. 20436, BEGINNING AT 10 A.M., E.D.T., ON OCTOBER 6, 1976. EACH OF THE PARTIES TO THE REVIEW WILL HAVE 30 MINUTES TO PRESENT ITS ARGUMENT; THE RESPONDENTS IN THIS INVESTIGATION WILL PRESENT THEIR ARGUMENT FIRST AND MAY RESERVE 5 MINUTES OF

THEIR TIME FOR REBUTTAL. ANY GOVERNMENT AGENCY OR DEPARTMENT SUBMITTING ADVICE TO THE COMMISSION MAY PRESENT 15 MINUTES OF ORAL ARGUMENT IN SUPPORT OF ITS ADVICE.
END TEXT.

2. IN CONJUNCTION WITH THE ISSUANCE OF THE PUBLIC NOTICE, THE DEPARTMENT HAS RECEIVED A LETTER FROM THE USITC CHAIRMAN SEEKING OUR ADVICE IN ITS REVIEW OF THE RULING. WE ARE PREPARING A RESPONSE.

3. A COPY OF THE OPINION OF THE PRESIDING OFFICER IN SUPPORT OF THE RULING DENYING THE MOTIONS TO TERMINATE AND DISMISS AIRPOUCHED SEPTEMBER 16. ROBINSON
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